IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: - 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.241 of 2006

Moorthy (alias) Vinayagamoorthy ... Petitioner

vs.

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2. The Commissioner of Police,
Greater Chennai, Chennai. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the entire records pertaining to the impugned detention order vide No.11/2006, dated 13.01.2006, passed by the second respondent and approved by the first respondent, quash the same as illegal and consequently direct the respondent to produce the detenu Moorthy (alias) Vinayagamoorthy, now confined at Central Prison, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.N.Doraisami for
Mr.S.Jayaseelan

For Respondents : Mr. M.Babu Muthu Meeran,
Addl. Public Prosecutor.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner challenges the detention order, dated 13.01.2006, detaining him as 'Goonda' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was delay in disposal of the representation of the detenu.

The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenu was received by the Government on 20.02.2006, remarks were called for on 21.02.2006 and the same were received from the Sponsoring Authority on 27.02.2006. Thereafter, File was dealt with by the Under Secretary and Deputy Secretary on 28.02.2006 and the Minister for Prohibition and Excise passed orders on 01.03.2006. Rejection letter was prepared on 03.03.2006. The said letter was sent to the Central Prison for service on 06.03.2006 and served to the detenu on 07.03.2006. From the above particulars, it is clear that there was no let up at any stage in disposing of the representation; hence, the contention of the learned counsel is rejected.

4. Learned counsel for the petitioner next contended that no one was intimated regarding the arrest of the detenu and passing of the detention order. The records produced by the learned Additional Public Prosecutor show that the mother of the detenu by name Govindammal was intimated about the arrest as well as passing of the detention order. In such circumstances, the said contention also fails.

5. Habeas Corpus Petition fails and the same is dismissed.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Police, Greater Chennai.
3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

1 cc to M/s.S.Jayaseelan, Advocate, SR.25657

avm (co)

dv/4.7.06

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